

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

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ALAN JOSEPH BAUER, Ph.D., *et al.*,

Case No: 24-cv-10404

Plaintiffs,

-against-

PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE (HARVARD CORPORATION), *et al.*

Defendants.

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**ASSENTED-TO MOTION TO EXTEND TIME TO FILE OPPOSITION  
TO MOTION TO DISMISS OR TO FILE AMENDED COMPLAINT**

Plaintiffs, with the assent of Defendants, respectfully move for an order extending Plaintiffs' time to file their opposition to Defendants' motion to dismiss or to file an amended complaint.

Defendants filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b) on May 13, 2024 (Dkt. 18-19). Per Local Rule 7.1(b)(2), Plaintiffs' opposition papers would be due 14 days later, which works out to May 28, 2024. In parallel, Fed. R. Civ. P. 15(a)(1)(B) affords Plaintiffs 21 days after the filing of Defendants' motion, which works out to June 3, to file an amended complaint.

The parties have agreed, subject to the approval of the Court, to extend Plaintiffs' time to file opposition to the motion and/or file an amended complaint. The parties have agreed that if Plaintiffs elect to oppose the motion and not file an amended complaint, Plaintiffs' opposition papers will be due July 15, 2024. The parties have further agreed that if Plaintiffs elect to file an

amended complaint, that amended complaint will be due June 25, 2024, and Defendants' response to that amended complaint will be due July 15, 2024.

As grounds for this motion, Plaintiffs state as follows:

1. The complaint in this matter was filed on February 20, 2024. (Dkt. 1).
2. Defendants were served with a copy of the Complaint on April 5, 2024.
3. At Defendants' request Plaintiffs agreed to an extension of time to answer for Defendants, and an assented-to motion to extend Defendants' time to respond to the complaint was filed April 22, 2024 (Dkt. 16), and was granted by the Court (Dkt. 17).
4. On May 13, 2024 Defendants filed a motion to dismiss under Fed. R. Civ. P. 12(b) (Dkt. 18-19).
5. Undersigned counsel for Plaintiff has conferred with counsel for Defendants regarding additional time needed to respond to Defendants' motion and/or amend the complaint, and have agreed, subject to the approval of the Court, to extend Plaintiffs' time to respond to Defendants' motion to July 15, 2024, to extend Plaintiff's time to amend the complaint to June 25, 2024, and that if Plaintiffs file an amended complaint Defendants' time to respond to it will be extended to July 15, 2024.

Accordingly, Plaintiffs respectfully request that the Court issue an order extending Plaintiffs' time to respond to Defendants' motion to July 15, 2024, extending Plaintiff's time to amend the complaint to June 25, 2024, and, in the event Plaintiffs file an amended complaint, extending Defendants' time to respond to it to July 15, 2024.

Dated: Brooklyn, New York  
May 28, 2024

Yours,

THE BERKMAN LAW OFFICE, LLC  
*Attorneys for Plaintiffs*

by: /S/ Robert J. Tolchin  
Robert J. Tolchin

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**CERTIFICATE OF SERVICE**

I hereby certify that this Motion filed through the ECF system is expected to be sent electronically to the registered participants as identified on the court's docket.

/S/Robert J. Tolchin  
Robert J. Tolchin